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BC
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In re application of :
W.G. Don Korff :
Serial No. 09/837,317 : DECISION ON
Filed: April 19, 2001 : PETITION
For: DEVICE FOR LOCATING AND RETRIEVING SMALL ARTICLES :

This is a response to the REQUEST FOR RECONSIDERATION OF THE PETITION DECISION mailed on July 7, 2003, which denied Applicant's PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE PTO COMMUNICATION, MPEP 711.03(c) PART II, filed May 27, 2003. Applicant's original Petition was denied because it lacked evidentiary docket records indicating that the Office communication of September 13, 2002 was not received. The REQUEST FOR RECONSIDERATION includes Applicant's docket records as evidence of non-receipt of the September 13, 2002 Office communication.

DECISION

The instant request is accepted as a timely petition under 37 C.F.R. 1.181 (no fee), and is evaluated under the procedures regarding an acceptable showing of non-receipt of an office action. See MPEP 711.03(c)(II).

The evidence presented is sufficient to establish that the Final Rejection of September 13, 2002 was not received by Applicant. The evidence provided the previously missing Applicant's application docket records where the letters would have been posted had they been timely received, along with a statement that the Applicant searched all written communications from the USPTO.

Therefore, the abandonment is hereby withdrawn, and the application is returned to pending status. The application shall be forwarded to the examiner for prompt remailing of the above noted Final Rejection to the correspondence address and restarting of the statutory period of response from the remail date thereof.

The Petition is **GRANTED**.

JmStone

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